

LAKE COUNTY BOARD OF DD

BOARD POLICY

Reviewed and Adopted by the Board:

Date: August 23, 2021

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: DRUG-FREE WORKPLACE

II. PURPOSE:

To set forth the Board's Drug-Free Workplace statement and provisions in accordance with the Federal Drug-Free Workplace Act.

III. REFERENCE:

41 U.S.C. 8101, 8102, and 8103 Federal Drug-Free Workplace Act

21 U.S.C. 812

O.R.C. §§ 4123.54, 5123, 5124 and 5126

LCBDD Policy B-17 - Alcohol and Controlled Substances Testing

IV. DEFINITIONS:

- A. The term "**drug-free workplace**" means a site for the performance of work done in connection with a specific grant or contract described in O.R.C. §§5123, 5124 or 5126, of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this Act. At the Lake County Board of DD, workplace includes any County owned property at which Lake County Board of DD business is conducted or any property leased by the Board for the conduct of Board business, or any employee engaging in Board activities during his/her hours of employment;
- B. The term "**employee**" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in O.R.C. § §5123, 5124 or 5126;
- C. The term "**controlled substance**" means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812);
- D. The term "**conviction**" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

- E. The term "**criminal drug statute**" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

V. POLICY:

Illegal drugs in the workplace are a danger to all employees, those we serve, the public and the Board. They impair health and safety, promote crime, lead to decreased productivity and quality of performance, and undermine public confidence in the work we do. Illegal use of drugs cannot and will not be tolerated. Possession, use, or being under the influence of alcohol while at work is also prohibited.

The Lake County Board of Developmental Disabilities is declared to be a drug-free workplace, as defined in Section 8101 of the Federal Drug-Free Workplace Act. As such, all employees are required to abide by this policy.

A. Notice to Employees

A statement concerning the requirements of the Drug-Free Workplace Policy will be provided to all employees at the time of initial employment.

B. Standards of Conduct

The unlawful possession, use, distribution, dispensation, or manufacture of a controlled substance is prohibited in any Lake County Board of DD workplace. The Board reserves the right to test employees for reasonable suspicion of alcohol and/or a controlled substance.

Any employee convicted and/or sentenced for violating a criminal drug statute in the workplace shall inform the Board, c/o the Director of Human Resources of such conviction no later than five (5) of the employee's scheduled work days after such conviction. In accordance with law, the Board shall notify the appropriate Federal granting agency within the (10) days after receiving notice of such conviction.

C. Sanctions

Any employee who is convicted of violating a criminal drug statute in the workplace and violates section B above and/or fails to report such conviction to the Board within (5) work days shall be presented with notice of pre-disciplinary hearing. A hearing shall be mutually scheduled and held in accordance with applicable contractual provisions, or other Board policy, within thirty (30) days of the pre-disciplinary notice. Appropriate sanctions, as specified by law (i.e., disciplinary action up to and including termination or mandatory participation in a drug abuse assistance and/or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency) will be determined via the pre-disciplinary proceedings. Any employee who tests

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positive on a substance test (as delineated in R.C. 4123.54(A)(2)) following a work related injury or refuses a substance test will not be eligible for Ohio Bureau of Workers' Compensation benefits. Refusal to provide the agency with the results of a substance test may result in discipline. See also LCBDD Policy B-17.

D. Drug-Free Awareness Program

Recognizing that employees have the right to know of the dangers of drug abuse in the workplace, the Board will institute a presentation to employees during orientation:

1. The dangers of drug abuse in the workplace;
2. The Board's Policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations.

E. As appropriate, the granting agency will be notified within ten (10) days upon an employee's notification to the Lake County Board of DD of a conviction as described in Section V (B) above.

F. Savings

The above provisions are not intended to prohibit discipline for separate incidents of misconduct or neglect of duty in accordance with the discipline procedures even if the misconduct may have been directly or indirectly influenced by illegal use of controlled substances in the workplace. However, the Board shall give reasonable consideration to such mitigating factors in the determination of cause and the level of progressive, corrective discipline and/or rehabilitation imposed for cause.

VI. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VII. REVIEWED:

8/21, 8/19, 8/18, 8/17, 8/16, 8/15, 8/14, 6/12, 6/10, 8/08, 10/06, 10/04; 8/03; 6/01; 7/98